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Food and Agricultural Import Regulations and Standards

Update: pesticide legislation approved 2009

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Report Highlights:

The European Parliament today approved the new EU pesticides legislation, consisting of a Regulation on placing plant protection products (PPPs) on the market as well as a Directive on the sustainable use of pesticides. The vote at second reading was based on agreements reached with the Council in December 2008. The legislation will increase the number of plant protection products available in Member States while at the same time banning the use of certain chemicals considered dangerous in these products. Measures to ensure the safer use of pesticides in daily life will be introduced as well. Both pieces of legislation must now be endorsed by the Council but this should be a formality in view of the agreement reached in December. It will enter into force later this year.

Includes PSD Changes: No
Includes Trade Matrix: No
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Background

The main aim of the first proposal, which will replace the existing legislation Council Directive 91/414/EEC, is to facilitate the current approval and authorization procedures of Plant Protection Products (PPPs) and increase harmonization while maintaining a high level of protection for humans, animals and the environment. The second draft proposal covers the sustainable use of pesticides.

The two pieces of legislation have attracted a lot of attention because of the different positions of various actors (pesticide manufacturers, farmers, health professionals, environmentalists) including different opinions about the impact of the legislation. The major concern of some Member States and the EU crop protection industry was about the approval criteria that were based on hazard identification rather than risk assessment, or so called 'cut-off criteria' without taking any levels of exposure into account. This would lead to a large reduction in crop protection solutions, with less products being authorized and for only a limited number of applications.

Regulation regarding the authorization of PPPs

The following keypoints have finally been approved for Council consideration:

- Pesticides will be licensed at national level on the basis of a list drawn up at EU level, containing all the approved "active substances" (or chemical ingredients of pesticides)
- Highly toxic chemicals such as carcinogens, mutagens, endocrine-disruptors or toxic to reproduction will be banned
- Higher safety standards may be imposed for neurotoxic and immunotoxic substances
- A toxic substance may be approved for up to five years if it is needed to combat a serious danger to plant health
- Products containing certain hazardous substances are to be replaced if safer alternatives are shown to exist within 3 years.
- Substances likely to be harmful to honeybees will be outlawed.

Member States will be able to license pesticide products at national level or through mutual recognition within each zone (with the EU divided into three zones: north, centre and south). It will be easier to approve products across borders within a given zone and more quickly as Member States have to decide on mutual recognition within 120 days. Until now there has been no deadline. Individual Member States will also be allowed to ban the use of new pesticides approved because of specific environmental or agricultural circumstances.

The European Commission assures that there will be no sudden or large-scale withdrawal of products from the market as existing plant protection products will remain available until the existing authorization expires. Only around 22 dangerous substances are likely to be removed from the market as a result of the new safety criteria.

| List of active substances identified by the Swedish Chemical Agency to meet the cut-off criteria and therefore are scheduled to be banned: | | |
|--|---|--|
| Herbicides | Fungicides | Insecticides |
| Amitrol Ioxynil Glufosinate Linuron Molinate Pendimethalin Tepaloxym Tralkoxydim | Carbendazim Dinocap Epoxiconazole Flumioxazin Flusilazole Iprodion Mancozeb Maneb Metconazole Quinoxifen Tebuconazole | Bifenthrin Lufenuron Thiacloprid |

The sustainable use of pesticides

The main points of this directive are:

- The principle of Integrated Pest Management is laid down, i.e. the promotion of non-chemical pest control methods such as crop rotation, to be used wherever possible as alternatives to pesticides.
- Member States must adopt National Action Plans for reducing pesticide volumes. (MEPs dropped the demand for a specific reduction target of 50% for chemical substances of particular concern, to help secure a deal with the Council)
- Aerial crop spraying will in general be banned (with exceptions subject to approval by the authorities). No spraying will be allowed close to residential areas.
- "buffer zones" around water sources and "safeguard zones" around any surface and groundwater used for drinking water are to protect the aquatic environment and drinking water supplies from the impact of pesticides
- Pesticide use around parks & playgrounds and hospitals must be kept to a minimum, as "substantial no spray zones" are to be established.
- New rules are introduced on the training of pesticide users and salepeople.

This directive must be implemented by the Member States by early 2011. The aim is to use as few pesticides as possible, but at the right time and in the right dosage.

Related reports on pesticides and MRLs from USEU Brussels:

| Report Number | Title | Date Released |
|--|--|---------------|
| E48126 | EP Environment Committee voted on pesticide package | 11/07/08 |
| E48070 | Political agreement on new pesticide proposal | 6/26/08 |
| E48060 | EU Council stalls pesticide review | 05/23/08 |
| E48007 | The EU harmonization of MRLs: update | 01/17/08 |
| E47072 | Pesticides update: draft temporary MRL list published - 2007 | 8/17/07 |
| E36149 | UPDATE ON EU PESTICIDE MRLS | 12/21/06 |
| E36054 | Update on the EU Pesticide MRL Harmonization | 04/04/06 |
| E35016 | EU Pesticide MRLs Harmonized Shortly | 02/03/05 |
| These reports can be accessed through our website http://useu.usmission.gov/agri/pesticides.html or through the FAS website http://www.fas.usda.gov/scripts/attacherep/default.asp . | | |